



# Hendry County Sheriff's Office

## General Order 19.26

<b>TITLE:</b> Vehicle Holds	<b>SHERIFF'S APPROVAL:</b> Digital
<b>ORIGINATION DATE:</b> May 29, 2019	<b>REVISION DATE:</b>
<b>RELATED REFERENCES:</b> §316.193, F.S., §322.34, F.S., §372.312, F.S., §932.071, F.S., §932.704, F.S. <b>CFA:</b> N/A	
<b>REVIEW FREQUENCY:</b> 3 YEARS	<b>DATE OF NEXT REVIEW:</b> May 29, 2022

**I. PURPOSE:** To establish procedures for the justification and placement of vehicle holds.

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**II. SCOPE:** This order shall apply to all sheriff's office members.

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**III. POLICY:** The Hendry County Sheriff's Office members will comply with the procedures regarding the placement of holds on seized vehicles, the requirements of extended vehicle holds, and the information required for all written vehicle holds.

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#### IV. PROCEDURE

A. Written holds may be placed on a vehicle exceeding five days when the Deputy has probable cause to believe:

1. A vehicle should be seized or forfeited under the Florida Contraband Forfeiture Act, Florida Statute 932.071 to 932.704
2. The vehicle should be seized or forfeited for seizure law violations under game law violations, Florida Statute 372.312.
3. The vehicle was used as the means of committing a crime
4. The vehicle is itself evidence that tends to show a crime was committed, or contains evidence, which cannot readily be removed, which tends to show that a crime has been committed
5. The vehicle was involved in a traffic crash resulting in death or personal injury and should be sealed for investigation and collection of evidence by a traffic homicide investigator
6. The vehicle was impounded or immobilized pursuant to penalty provisions of Florida Statute 316.193 or 322.34
7. When the Deputy is complying with a court order.

B. Vehicle Holds for proof of ownership

1. Deputies should not place a hold on a vehicle solely for proof of ownership or insurance. If a vehicle may be stolen, it may be held as part of a crime, and an investigator should be notified.

C. Vehicle holds not exceeding five days.

1. Deputies may place a hold on vehicles not to exceed five business days if the situation meets one of the provisions listed above. This may still be accomplished by the usual tow sheet notation. This hold must be in writing.

D. Vehicle holds exceeding five days.

1. If the hold on a towed vehicle exceeds five days (excluding weekends and holidays);
  - a. The deputy must confer with his or her lieutenant/supervisor for approval
  - b. The deputy must also notify the wrecker company in writing within five days that the hold is to be continued.
  - c. Upon consultation with the District Commander and CID Lieutenant and after the initial five day hold, a vehicle may be towed to the HCSO Evidence Lot for storage while the investigation is ongoing. Any vehicle stored at HCSO shall not be released until the owner/receiving entity presents proof that the original tow bill and storage is paid in full.
  - d. Caveat: if there is a judicial finding of no probable cause for having continued the hold on the vehicle for more than five days at a tow company's lot, the HCSO is liable for any accrued towing and storage fees. Under policy the impounding deputy is directly responsible for any failure to observe these requirements.

E. Written vehicle hold information;

1. Any written hold must specify the following information:
  - a. Deputy name and Agency Name
  - b. Date and time the hold was placed on the vehicle
  - c. Description of vehicle (color, make, model, body style, year, VIN, tag number with state and year, and validation sticker with year)
  - d. Specific reason for the hold
  - e. Condition of the vehicle
  - f. Location where the vehicle is being held
  - g. Name, address, telephone number of the wrecker operator and the storage facility.

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## V. GLOSSARY

N/A

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**Your electronic signature in Power DMS acknowledges you have read this policy and understand it.**